

**IN THE UNITED STATES DISTRICT COURT  
OF THE DISTRICT OF COLUMBIA**

**BUZZFEED INC.,**  
111 East 18th Street, 13th Floor  
New York, NY 10003

**Plaintiff,**

**v.**

**U.S. DEPARTMENT OF TREASURY,**  
1500 Pennsylvania Ave NW,  
Washington, D.C. 20220

**Defendant.**

**Case No. 19-cv-3063**

**COMPLAINT**

1. Plaintiff BUZZFEED INC., brings this Freedom of Information Act suit to force Defendant U.S. DEPARTMENT OF TREASURY to produce emails and calendar records.

**PARTIES**

2. Plaintiff BUZZFEED INC. is a member of the media and made the FOIA requests at issue in this case.

3. Defendant U.S. DEPARTMENT OF TREASURY (“U.S. TREASURY”) is a federal agency subject to the Freedom of Information Act, 5 U.S.C. § 552.

**JURISDICTION AND VENUE**

4. This case is brought under 5 U.S.C. § 552(a)(4)(B) and presents a federal question conferring jurisdiction on this Court. *See* 28 U.S.C. § 1331.

5. Venue is proper under 5 U.S.C. § 552(a)(4)(B).

**JANUARY 24, 2019, FOIA REQUEST (EMAILS)**

6. On January 24, 2019, Plaintiff submitted a FOIA request to U.S TREASURY for emails sent or received by Secretary of the Treasury Steven Mnuchin, or Director of the Office

of Foreign Assets Control Andrea Gacki, during the time period April 1, 2018 to Jan 1, 2019, containing specific search terms. Exhibit A.

7. BUZZFEED also requested expedited processing and a fee waiver. Exhibit A.

8. On February 8, 2019, U.S TREASURY acknowledged receipt of the request and assigned FOIA No. 2019-01-110 and OASIS No. 1040099 to the matter. In the same letter, U.S. TREASURY denied BUZZFEED's request for expedited processing. Exhibit B.

9. U.S. TREASURY has not issued a determination on the request.

10. As the date of this filing, U.S. TREASURY has produced no records responsive to the request.

11. In a separate FOIA request, BUZZFEED asked U.S TREASURY for any and all records prepared by or for Andrea Gacki, the Director of Office of Foreign Assets Control, regarding any meetings she attended from April 1, 2018 and January 1, 2019. After multiple discussions between the parties, BUZZFEED narrowed its request to Gacki's calendar and appointment book from the above-mentioned timeframe, with the right to request records for specific meetings. Upon receiving the records responsive to Gacki's calendar, BUZZFEED selected specific meetings and requested additional records. U.S. TREASURY provided an estimate of two to five months to complete the processing of the request. If U.S. TREASURY does not comply with the estimated completion that they provided, BUZZFEED anticipates seeking a Motion to Leave to file an Amended Complaint to include the subsequent FOIA violation to this suit.

#### **COUNT I – U.S. TREASURY'S FOIA VIOLATION (EMAILS)**

12. The above paragraphs are incorporated herein.

13. U.S. TREASURY is a federal agency and is subject to FOIA.

14. The requested records are not exempt under FOIA.

15. U.S. TREASURY has refused to produce the requested materials in a timely manner.

**WHEREFORE**, BUZZFEED asks the Court to:

- i. declare that Defendant have violated FOIA;
- ii. order Defendant to conduct a reasonable search for records and to produce the requested records;
- iii. enjoin Defendant from withholding non-exempt public records under FOIA;
- iv. award Plaintiff attorneys' fees and costs;
- v. award such other relief the Court considers appropriate.

Dated: October 14, 2019

RESPECTFULLY SUBMITTED,

/s/ Matthew V. Topic

Attorney for Plaintiff

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